

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:

CARLTON D. GAINES
9353 LORALINDA DRIVE
CINCINNATI, OH 45251

SHEIMEKA M. GAINES
22 SARPY ROAD, UNIT A
BELLEVILLE, IL 62221

CASE NO. 20-12622
(CHAPTER 13)
JUDGE JEFFERY P. HOPKINS

Debtors

Debtors

CHAPTER 13 TRUSTEE'S MOTION TO DISMISS BOTH DEBTORS FOR FAILURE TO MAKE PLAN PAYMENTS
AND NOTICE OF HEARING

Now comes Margaret A. Burks, Chapter 13 Trustee herein, and reports to the Court that there has been a material default into the plan as evidenced by the attached payment history.

MEMORANDUM

The Trustee requests that she be permitted to disburse funds in her possession pursuant to the confirmed plan, minus administrative costs, or if pre confirmation, that Trustee shall disburse funds in her possession to Debtors minus administrative costs. Any funds received after the entry of the Order of Dismissal shall be returned to Debtors.

The Chapter 13 Trustee moves the Court pursuant to 11 U.S.C Sections 1307(c)(4)and(6) for an order of dismissal.

Respectfully submitted,

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.
Chapter 13 Trustee
Attorney No. OH 0030377

Francis J. DiCesare, Esq.
Staff Attorney
Attorney No. OH 0038798

Tammy E. Stickley, Esq.
Staff Attorney
Attorney Reg No. OH 0090122

600 Vine Street, Suite 2200
Cincinnati, OH 45202
(513) 621-4488
(513) 621 2643 (Facsimile)
fdicesare@cinn13.org
tstickley@cinn13.org
mburks@cinn13.org - Correspondence only

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and

by **first class mail** on January 19, 2021 addressed to:

Debtors' Attorney:
ARNOLD S. LEVINE CO., LPA
324 READING ROAD
CINCINNATI, OH 45202

Debtor(s):
CARLTON D. GAINES
9353 LORALINDA DRIVE
CINCINNATI, OH 45251

SHEIMEKA M. GAINES
22 SARPY ROAD, UNIT A
BELLEVILLE, IL 62221

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.

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NOTICE OF MOTION TO DISMISS AND HEARING

The Chapter 13 Trustee, Margaret A. Burks, has filed papers with the Court to dismiss your case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in this motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion, you or your attorney must:

File with the Court a response explaining your position by mailing your response by regular U.S. Mail to the address below OR your attorney must file a response using the court's ECF system. The Court must receive your response on or before the above date.

U.S. BANKRUPTCY COURT
ATRIUM II, SUITE 800
221 EAST 4TH STREET
CINCINNATI, OH 45202

You must also mail a copy to:

MARGARET A BURKS, TRUSTEE
CHAPTER 13 TRUSTEE
600 VINE, SUITE 2200
CINCINNATI, OH 45202

OFFICE OF THE U.S. TRUSTEE
J.W. PECK FEDERAL BUILDING
550 MAIN ST., ROOM 4-812
CINCINNATI, OH 45202

Debtors' Attorney:
ARNOLD S. LEVINE CO., LPA
324 READING ROAD
CINCINNATI, OH 45202

Debtor(s):
CARLTON D. GAINES
9353 LORALINDA DRIVE
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BELLEVILLE, IL 62221

The Court will send you a separate notice if it sets a hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

PLEASE BE ADVISED that all parties should check the Judge's website for any updated COVID-19 policies and procedures regarding the hearing location. The Judge's website can be found on the Bankruptcy Court's website at: www.ohsb.uscourts.gov under the Judges' Information / Judge's Name / Policies and Procedures.

If a response is filed within the time provided above, then a hearing will be held on February 25, 2021 at 2:00 pm at U.S. Bankruptcy Court , Room 816, Courtroom 2, Atrium II, 221 East Fourth Street, Cincinnati, OH 45202. If no response is filed within the time provided, then no hearing will be held and the Court may enter an order dismissing this case.

Date: January 19, 2021

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

TRUSTEE'S REPORT OF RECENT PLAN PAYMENTS

RECEIPTS FROM 9/25/2020 THROUGH 1/19/2021

CURRENT PLAN PAYMENTS ARE \$1103.28 PER MONTH

11/04/2020 TFSMPP TFS - MONTHLY PLAN PAYMENT	\$275.00	\$0.00
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	\$275.00	\$0.00
NET TOTAL:	\$275.00	\$0.00